

### **REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 9-15 and 20-28 are currently pending. Claims 1-8 and 16-19 have been cancelled. Claims 9-12 and 26 have been amended. Claim 28 is new.

Claims 9-11, 20-21, 23-24 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Eggen et al. (U.S. Patent Number 6,388,715 B1) and Kikinis et al. (U.S. Patent Application Number 2002/0059597 A1). Initially Applicant notes that this portion of the Official Action, in addition to the three patents cited above, also refers to the Chang patent application (U.S. 2004/0168187 A1) (claim 26). For clarity of the rejection, if this ground of rejection is maintained in a subsequent communication, it is respectfully requested that this document be listed along with Thompson, Eggen and Kikinis in the statement of the rejection.

Thus in rejecting independent claim 26, the Official Action is taking bits and pieces from 4 different patents to reach a point where the Examiner contends that a prima facie case of obviousness has been established. For this, and other reasons discussed below Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to have arrived at Applicant's claimed combinations.

#### **Amended Claim 26**

From the Official Action:

"Regarding claim 26, Applicant argues that 'the method of light source activation begins with a motion detector in communication with the processor.' However, the examiner respectfully disagrees and notes that the features upon which applicant relies (i.e., the method of light source activation begins with a 'motion detector in communication with the processor.') are not recited in the rejected claim(s). See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 26 recites 'a motion detector in

communication with the processor, wherein said processor can retrieve instructions from said storage area and then sends a signal to a light source to illuminate a portion of said input device.' However, the limitation as claimed, does not require that the light source illumination by the processor is connected to the motion detector."

Applicant respectfully disagrees with the above. Nonetheless claim 26 has been amended to include, among other things, "a motion detector in communication with the processor, wherein, in response to motion detected by said motion detector, said processor retrieves instructions from said storage area and sends a signal to a light source to illuminate a portion of said input device." Applicant respectfully submits that no combination of Thompson et al., Eggen et al., Kikinis et al. and Chang teaches or suggests that the result of this coupling can be a signal to a light source to illuminate a portion of the device.

Another difference between Applicant's claim 26 combination and Chang is the method of activating the light source. In Chang [0023] activating the light source is described as "Pressing LIGHT button 30 activates the light, preferably illuminating the display screen 12 for about 15 seconds", whereas in Applicant's claim 26 combination, the method of light source activation begins with a "motion detector in communication with the processor."

Therefore, Applicant respectfully submits that the claim 26 is patentably distinguishable over the cited documents because one of ordinary skill in the art would not have been motivated to have combined the references in the manner needed to have arrived at Applicant's claimed combinations. Similar comments apply to dependent claims 9-15 and 27.

**Claim 23**

The Thompson et al. patent is used as a primary reference into which the Official Action merges numerous subsections of various other patents in order to allege obviousness. For example, from the Official Action:

"However, the Thompson et al. reference is silent as to the remote controller receiving data that indicates the occurrence of a scheduled event. Now note the Eggen et al. reference that discloses a television receiver. the claimed 'produce a customized alert associated with said scheduled event' is met by '[o]ne feature of this embodiment is that the auditive reminder or alert signal, which the receiver produces when a desired television program is about to start is associated with the program category of the program' (Eggen 4:25-34) by comparing the start times with the data stored in the electronic program guide (Eggen 4:35-52) wherein 'receiver further comprises user-operable means for selecting a desired television program to be received when it is broadcast; and means for reproducing the auditive signal which is characteristic of the program category of the selected television program when said television program is about to be broadcast' (Eggen 1:56-63) wherein '[e]xamples of characteristic sounds are: a gong-stroke for news programs; a cheering audience for sports programs; a part of the tune of a James Bond film for movies' (Eggen 1:49-51). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. electronic program guide system with the Eggen et al. reminder system for the purpose of reminding users of upcoming programs of interest so that the user does not miss desired programming."

Applicant respectfully submits that, absent reference to the present specification, there would have been no motivation to modify the annunciator of Thompson et al. based on the teachings of Eggen et al. because the user of the Thompson et al. wireless information presentation device has no device with which it needs to be in close proximity to for the purpose of receiving feedback regarding events of interest. That is, Thompson et al. does not suggest any "events of interest" that would have motivated this change, e.g., analogous to the time when a desired television program is about to start in the system of Eggen et al. which was pointed out in the Official Action.

The Official Action then goes on to further modify the combined device of Thompson et al. and Eggen et al., as described above, with the Kikinis et al. reference

to meet the additional short coming of the Thompson et al. and Eggen et al. combination. More specifically, as stated in the Official Action:

"However, the Thompson et al. and Eggen et al. combination does not teach wherein the remote control provides the alert to a user when a scheduled event occurs. Now note the Kikinis et al. reference that discloses a method and apparatus for notifying users of interactive functions (scheduled events). The claimed output device produces a alert associated with said scheduled event is met by '[d]isplay 410 may be used to alert a user of an interactive function (scheduled event)...Additionally, or in lieu of display 410, one or more of buttons 415 may flash or change colors to alert a user of an interactive function...It is also possible to incorporate some sort of audio tone or sound clip through a speaker (not shown) to act as a supplement or as a replacement for the methods described above' (Kikinis [0045-0046]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. and Eggen et al. remote controller and reminder system with the Kikinis remote controller with scheduled event alerts for the purpose of providing a user notification regarding events of interest in situations where a user may not be in close proximity to the television system."

Applicant respectfully disagrees with the preceding section of the Official Action for multiple reasons. Applicant respectfully submits that combining the system of Thompson et al. and Eggen et al. does not create a remote controller and reminder system because there is no motivation to combine as described earlier. Also Applicant respectfully submits that the interactive function of Kikinis et al. is not a scheduled event.

Accordingly, Applicant respectfully submits that claim 23 is patentably distinguishable over the cited documents because one of ordinary skill in the art would not have been motivated to have combined the references in the various ways needed to have arrived at Applicant's claimed combinations. Similar comments apply to claims 20-22 and 24-25.

Claims 12-15 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view

of Eggen et al. (U.S. Patent Number 6,388,715 B1), Kikinis et al. (U.S. Patent Application Number 2002/0059597 A1) and Croy et al. (U.S. Patent Number 6,509,908 B1). It is respectfully submitted that these dependent claims are allowable for at least the reasons set forth above with respect to the independent claims from which they ultimately depend.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Eggen et al. (U.S. Patent Number 6,388,715 B1), Kikinis et al. (U.S. Patent Application Number 2002/0059597 A1), and Greenlee (U.S. Patent Number 5,274,550). It is respectfully submitted that this dependent claim is allowable for at least the reasons set forth above with respect to independent claim 23 from which it depends.

New claim 28 has been added by way of this response in order to provide additional claim coverage for the present invention. More specifically, claim 28 refers to an exemplary embodiment of the present invention wherein a remote control device includes: a processor; a remote control receiver in communication with the processor; an input device in communication with the processor; a light source in communication with the processor; a storage area in communication with the processor; a motion detector in communication with the processor, wherein, in response to motion detected by the motion detector, the processor retrieves instructions from the storage area and sends a signal to a light source to illuminate a portion of the input device; and an output device in communication with the processor, wherein the output device is for providing a customizable alert to a user when a scheduled event occurs; and an electronic device, the electronic device including: a receiver for receiving signals from the remote control device; an electronic program guide; a transmitter in communication with the electronic program guide, the transmitter for transmitting data from the electronic program guide to the remote control device, wherein the data indicates an occurrence of the scheduled event; and wherein said processor detects activation of said input device and, responsive thereto, said processor turns off said customized alert. This

combination of features is not taught nor suggested by any of the cited documents whether taken singly or in combination.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, she or he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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